IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:12CV0064-RLV-DSC

GUY AVERY TIPPS,)
Plaintiff,))
v.	MEMORANDUM AND ORDER
BAKER FURNITURE CO.,)
Defendant.)

THIS MATTER is before the Court on Defendant's "Motion to Compel ... [Discovery Responses]" (document #17) and "Memorandum in Support ..." (document #18), both filed April 29, 2013. Pro se Plaintiff has not responded to the Motion and the time for filing a response has expired.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. \$636(b)(1)(B), and is now ripe for the Court's consideration.

For the reasons stated in its Motion and supporting brief, the Court grants Defendant's Motion to Compel.

Dismissal and the imposition of monetary sanctions are remedies available under Rule 37 for a party's failure to obey rules governing discovery and orders of the District Court. <u>See</u> Fed. R. Civ. P. 37(b)(2)(C); <u>National Hockey League v. Metro. Hockey Club</u>, 427 U.S. 639, 643 (1976); <u>Mutual Fed. Sav. & Loan v. Richards & Assocs.</u>, 872 F.2d 88, 92 (4th Cir. 1989); <u>and Wilson v. Volkswagen of America, Inc.</u>, 561 F.2d 494, 504-04 (4th Cir. 1977).

Accordingly, the Court warns Plaintiff that failure to provide full and complete responses

to Defendant's First Set of Interrogatories and Request for Production of Documents, to appear

for his deposition, to respond to any other of the Defendant's reasonable discovery requests, or to

otherwise comply fully with any of the Court's Orders, the Local Rules, or the Rules of Civil

Procedure may result in the imposition of sanctions. Sanctions may include Plaintiff being

ordered to pay Defendant's costs, including reasonable attorney's fees in their entirety, and

may also include dismissal of the Complaint with prejudice.

NOW THEREFORE, IT IS ORDERED:

1. Defendant's "Motion to Compel ... [Discovery Responses]" (document #17) is

GRANTED, that is:

A. Within fifteen (15) days of the date of this Memorandum and Order, Plaintiff shall

provide full and complete responses to Defendant's First Set of Interrogatories and Request for

Production of Documents; and

B. Within thirty (30) days of this Memorandum and Order, Plaintiff shall appear for his

deposition at the date, time and place designated by Defendant.

2. The parties shall bear their own costs at this time.

3. The Clerk is directed to send copies of this Memorandum and Order to counsel for

the parties; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: June 6, 2013

David S. Cayer

United States Magistrate Judge